IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.O.C.P. No.1308 of 2006
Date of Decision:- 13.11.2006

A.V.Aggarwal ....Petitioner

through
Mr.V.B.Aggarwal, Advocate

vs.

Bala Bhaskar & anr. ....Respondents

through
Mr.R.D.Sharma, DAG, Haryana

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The petitioner retired on attaining the age of superannuation on 31.5.2005. His retiral benefits were withheld. He approached this Court and the writ petition filed by him was disposed of with a direction to the respondents to take a decision on the legal notice which he had already served upon the Authorities. Unfortunately, no decision was taken which compelled him to file C.O.C.P No.734 of 2006 which was disposed of by this Court on 31.5.2006 with a direction that upon receipt of a copy of the legal notice which was handed over to the State counsel in Court, let the decision be taken within two months.

The petitioner, however, appears to have been forced to have this third round of litigation as no decision on time was taken.

In response to the show cause notice, affidavits have been filed by respondents No.1 and 2 respectively which are taken on record. It is averred in the affidavits that in compliance to the above-mentioned orders passed by this Court, the claim of the petitioner has been duly considered and after processing the pension case, an intimation has been sent to him

vide memo dated 30.8.2006 (Annexure R-1).

A perusal of the above-stated letter Annexure R-1 reveals that though most of the retiral benefits have been paid to the petitioner, however, payment of Rs.80112/- has been withheld on the plea that a show cause notice under Rule 8 of the Haryana Civil Services (Punishment and Appeal) Rules 1997 has been served upon him.

Learned State Counsel, upon instructions from Roshan Lal, Supdt., Engineer-in-Chief, Irrigation Department, who is present in Court, states that no decision has been taken on the said show cause notice till date.

From the above-noticed factual events, it is apparent that the respondents have not seriously taken the time bound directions issued by this Court twice. However, having regard to the fact that the petitioner can be suitably compensated in monetary terms, I dispose of this contempt petition with a direction to respondent No.1 to take a final decision in respect of the show cause notice served upon the petitioner under Rule 8 of the Punishment and Appeal Rules on or before 30.11.2006 and if the petitioner is exonerated, to release the withheld amount along with interest at the rate of 7% per annum from the date of his retirement till actual realisation thereof. However, if the petitioner is found guilty of committing some financial irregularities and in order to make up the deficiency good, the withheld amount or part thereof is adjusted, then the balance amount, if any, shall be released to him within one month of taking the above-mentioned decision.

Rule discharged.

November 13, 2006 **(SURYA KANT)**
poonam **JUDGE**